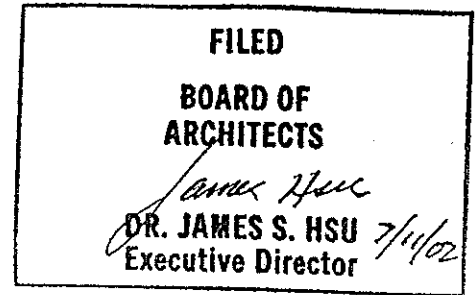


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By: B. Michelle Albertson
Deputy Attorney General

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF ARCHITECTS

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

HERMAN WENSON
License No. A1 04273

TO PRACTICE ARCHITECTURE
IN THE STATE OF NEW JERSEY

: Administrative Action

:
: CONSENT ORDER
:
:
:
:

This matter was opened to the New Jersey State Board of Architects, (hereinafter "the Board") upon receipt of information that Respondent Herman Wenson, License No. A1 04273, had engaged in professional misconduct, which resulted in the structural instability of the complainant's residence. Specifically, it has been alleged that he failed to exercise reasonable care and competence in preparing design documents for a residence, signed and sealed drawings of which he had no direct professional knowledge and supervisory control, and removed a title block from a Land Surveyor's drawing incorporated into documents he sealed.

On October 11, 2001, respondent appeared at an Investigative Inquiry into the matter held by the Board. Respondent acted as the architect for the David Ginfride Home Improvement Company, which contracted in April 1999 with Steve and Sarita Clements, 4 Merker Drive, Edison, NJ 08837 to construct an addition to their home. He adapted and sealed drawings prepared by the contractor, without ever inspecting the site. The contractor billed the Clements and paid the architect directly for his services. Having reviewed the entire record, including the transcript of respondent's testimony at the Investigative Inquiry and miscellaneous documents submitted by the complainant homeowners, the Board finds the following violations of its regulations:

1. Respondent neglected to visit the residence prior to preparing and signing the construction documents, conduct which constituted a failure to use reasonable care and competence in preparing construction documents, in violation of N.J.A.C. 13:27-5.1(a). The consequences were unsafe structural conditions which required the homeowners to hire a second architect to remedy the defects.

2. Respondent signed and sealed drawings prepared by another individual, without having direct professional knowledge of the project site and direct supervisory control of the documents. Said conduct violated N.J.A.C. 13:27-5.5(b). This is a second offense, since respondent entered into a Consent Order with the Board of Architects on March 26,

1992 in which he agreed to cease and desist from violating the rules against signing and sealing plans which he had neither prepared nor supervised personally. He also paid a penalty of \$250 at that time.

3. Respondent removed the title block from a drawing prepared by a Land Surveyor and incorporated the drawing into the documents he sealed as the architect in responsible charge. Said conduct violated N.J.A.C. 13:27-6.6(e).

These facts establish grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(e). It appearing that Respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 11th day of July, 2002 ORDERED and AGREED that:

1. Respondent shall be permitted to retire his license, provided he returns the seal and wall certificate within 15 days of signing the acknowledgment below.

2. Respondent shall pay restitution to Mr. and Mrs. Steve Clements on or before June 17, 2002 in the amount of \$3,650.00.

3. Respondent's failure to remit any payment as required by this Order will result in the filing of a certificate of debt and

may subject him to further penalties, including disciplinary action pursuant to N.J.S.A. 45:1-21.

NEW JERSEY STATE BOARD OF ARCHITECTS

By: *Fredrick Kniesler Jr*
FREDERICK KNIESLER, JR.
President

I have read and I understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.

Herman Wenson 6/10/02
Herman Wenson, R.A.